



U.S. Department of Justice
Office of Information Policy
Suite 11050
1425 New York Avenue, NW
Washington, DC 20530-0001

Telephone: (202) 514-3642

May 3, 2019

Matthew Hoppock
MuckRock News
DEPT MR 63763
411A Highland Avenue
Somerville, MA 02144-2516
63763-81509614@requests.muckrock.com

Re: DOJ-2019-002599
DRH:ERH

Dear Matthew Hoppock:

While processing your Freedom of Information Act (FOIA) request dated November 13, 2018, for email to and from the Executive Office for Immigration Review (EOIR) containing the terms "Dummy Date" or "Dummy Dates," EOIR located five pages of material which it referred to this Office for processing and direct response to you. The EOIR administrative tracking number for this request is EOIR FOIA 2019-7100. For your information, this material was received in this Office on February 26, 2019.

I have determined that the material referred to this Office by EOIR is appropriate for release with excisions made, some on behalf of Immigrations and Customs Enforcement (ICE), pursuant to Exemptions 6 and 7(C) of the FOIA, 5 U.S.C. § 552(b)(6) and (b)(7)(C). Exemption 6 pertains to information the release of which would constitute a clearly unwarranted invasion of the personal privacy of third parties. Exemption 7(C) pertains to records or information compiled for law enforcement purposes, the release of which could reasonably be expected to constitute an unwarranted invasion of the personal privacy of third parties. For your information, the withheld material consists of the names of ICE Officials, and the contact information for Congressional staff and ICE Officials.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. *See* 5 U.S.C. § 552 (2012 & Supp. V 2017). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

You may contact our FOIA Public Liaison, Douglas Hibbard, for any further assistance and to discuss any aspect of your request at: Office of Information Policy, United States Department of Justice, Suite 11050, 1425 New York Avenue, NW, Washington, DC 20530-0001; telephone at 202-514-3642; or facsimile at 202-514-1009.

Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, Maryland 20740-6001; e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

If you are not satisfied with my response to this request, you may administratively appeal by writing to the Director, Office of Information Policy, United States Department of Justice, Suite 11050, 1425 New York Avenue, NW, Washington, DC 20530-0001, or you may submit an appeal through OIP's FOIAonline portal at <https://foiaonline.gov/foiaonline/action/public/home>. Your appeal must be postmarked or electronically submitted within ninety days of the date of my response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal."

Sincerely,

A handwritten signature in blue ink, appearing to read "Douglas R. Hibbard", with a small "DR" monogram at the end.

Douglas R. Hibbard
Chief, Initial Request Staff

Enclosures

From: [Hildabrand, Dorothy W. \(OLA\)](#)
To: [Escalona, Prim F. \(OLA\)](#); [McHenry, James \(EOIR\)](#)
Subject: RE: News stories about possibly incorrect NTA dates
Date: Friday, November 16, 2018 4:51:03 PM
Attachments: [image001.png](#)

Prim and James,

I wanted to circle back on this. David hasn't followed up about this since Tuesday, but I know he's checking with the Ranking Member about how to proceed with another briefing request. If he follows up again on this, would you want to try to schedule a phone call?

Thanks,

Dorothy

From: Hildabrand, Dorothy W. (OLA)
Sent: Tuesday, November 13, 2018 6:20 PM
To: Escalona, Prim F. (OLA) <pfescalona@jmd.usdoj.gov>; McHenry, James (EOIR) <James.McHenry@EOIR.USDOJ.GOV>
Subject: FW: News stories about possibly incorrect NTA dates

Prim and James,

HJC minority received an internal DOJ email through FOIA that mentioned "dummy dates". James, I sent David your preferred response on Friday, and it looks like (b)(6), (b)(7)(C) per from DHS sent him something similar as well. They're now requesting a briefing. How do you want to proceed?

Thanks,

Dorothy

From: Shahouljian, David <(b) (6)>
Sent: Tuesday, November 13, 2018 6:14 PM
To: (b)(6), (b)(7)(C) per ICE Hildabrand, Dorothy W. (OLA) <dwhildabrand@jmd.usdoj.gov>
Cc: Breisblatt, Joshua <(b) (6)>
Subject: RE: News stories about possibly incorrect NTA dates

Dorothy and (b)(6), (b)(7)(C) per. We just received the following internal DOJ email, which was released through FOIA. This appears to indicate that the use of "dummy dates" was both intentional and authorized.

We'd really like a briefing on this. Thanks.

image.png



David Shahoulian

(b) (6) (office)

(b) (6) (cell)

From: (b)(6), (b)(7)(C) per ICE

Sent: Friday, November 9, 2018 3:32 PM

To: Shahoulian, David <(b) (6)>

Subject: RE: News stories about possibly incorrect NTA dates

David,

This is all the info we have available at this time...

By regulation, immigration proceedings do not commence until DHS has filed a charging document with the immigration court. Consequently, even if DHS has provided a time and date for a hearing to an alien by serving that alien with an NTA, that hearing cannot go forward until DHS also files the NTA with an immigration court. EOIR has activated its Interactive Scheduling System (ISS) for use by DHS in non-detained cases. Currently, USCIS and ICE have an agreement to have access to that system, and EOIR is working with CBP to provide it access as well. While USCIS has access to the system, there have been logistical and technical issues that prevent ICE from having full access to the system. We anticipate that once ICE has full access to its system, it will utilize it in the future for

assigning initial hearing dates.

Granted, a large number of respondents appeared at several immigration courts nationwide, many without cases on our docket. In many of these cases, this is because DHS either did not file the NTA with the immigration court, or did not file the NTA at least 14 days before the date they put on the NTA. In other cases, DHS timely file the NTAs, but due to the volume of cases, EOIR was not able to timely reschedule the cases. DHS and EOIR are jointly working on these issues to avoid this incident from reoccurring.

Please let me know if you have any further questions.

Thanks for your patience. Enjoy the long weekend...

(b)(6), (b)(7)(C) per ICE

From: Shahoulian, David <(b) (6)>
Sent: Thursday, November 01, 2018 1:35 PM
To: (b)(6), (b)(7)(C) per ICE >
Cc: Breisblatt, Joshua <(b) (6)>
Subject: RE: News stories about possibly incorrect NTA dates

No worries. Thanks, (b)(6), (b)(7)(C) per ICE

The sooner the better, as people are concerned about what it happening—but we get it will take a bit to coordinate.

Hope all is well,
David

David Shahoulian
(b) (6) (office)
(b) (6) (cell)

From: (b)(6), (b)(7)(C) per ICE >
Sent: Thursday, November 1, 2018 12:06 PM
To: Shahoulian, David <(b) (6)>
Cc: Breisblatt, Joshua <(b) (6)>
Subject: RE: News stories about possibly incorrect NTA dates

And I spoke too soon..

It seems that fairly recently DHS was directed to include a court date in the NTAs. Since this affects both ICE and EOIR I will have to reach out to them to coordinate for a briefing (and since this also includes USCIS, I will have to reach out the DHS OLA as well).

I will keep you posted (and apologize for previously responding in haste...)

(b)(6), (b)(7)(C) per ICE

From: (b)(6), (b)(7)(C) per ICE
Sent: Thursday, November 01, 2018 11:15 AM
To: 'Shahouljian, David' <(b) (6)>
Cc: Breisblatt, Joshua <(b) (6)>
Subject: RE: News stories about possibly incorrect NTA dates

David,

I will check. But as you know, the initial NTA (either issued by USCIS or ICE) does not have a court date. Once it is filed with the courts, it is up to EOIR to set the hearing dates.

Again, I will check to see if ICE has anything to add.

Thanks!

(b)(6), (b)(7)(C) per ICE

From: Shahouljian, David <(b) (6)>
Sent: Thursday, November 01, 2018 11:01 AM
To: (b)(6), (b)(7)(C) per ICE; Anne.pings2@usdoj.gov; (b)(6), (b)(7)(C) per ICE
(b)(6), (b)(7)(C) per ICE
Cc: Breisblatt, Joshua <(b) (6)>
Subject: RE: News stories about possibly incorrect NTA dates

Adding (b)(6), (b)(7)(C) per ICE, as I received an out-of-office response from (b)(6), (b)(7)(C) per ICE's email address.

David Shahouljian

(b) (6) (office)
(b) (6) (cell)

From: Shahouljian, David
Sent: Thursday, November 1, 2018 10:51 AM
To: (b)(6), (b)(7)(C) per ICE; 'Anne.pings2@usdoj.gov'
<Anne.pings2@usdoj.gov>
Cc: Breisblatt, Joshua <(b) (6)>
Subject: News stories about possibly incorrect NTA dates

Anne and [REDACTED], we are hoping for a quick call to discuss the stories that broke last night about people showing up for court dates (as noted in their NTAs) across the country only to be told that they did not really have a hearing that day. We just need to understand what happened. Because this involves both EOIR at DOJ and ICE, we're hoping for a call with both agencies.

A link to one of the stories here: <https://www.cnn.com/2018/10/31/us/immigration-court-fake-dates/index.html>

Thanks,
David

David Shahoulian
Democratic Chief Counsel
Subcommittee on Immigration and Border Security
House Committee on the Judiciary
H2-189 Ford House Office Building

(b) (6) [REDACTED] (office)
(b) (6) [REDACTED] (cell)